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The firm has attorneys who  
are also admitted to practice in  
California, District of Columbia,  
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September 14, 2005

***VIA HAND DELIVERY AND E-MAIL***

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, MA 02110

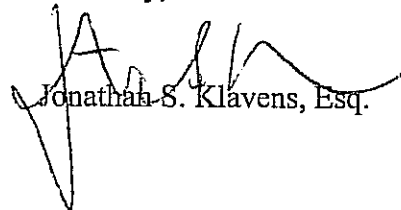
***RE: Comments of the Cape Light Compact in D.T.E. 01-106-B  
and D.T.E. 05-55***

Dear Secretary Cottrell:

Please find enclosed for filing the original and four (4) copies of the Comments of the Cape Light Compact in D.T.E. 01-106-B and D.T.E. 05-55.

Thank you for your attention to this matter. If you require further information or have any questions, please do not hesitate to contact me.

Sincerely,



Jonathan S. Klavens, Esq.

JSK/mej  
Enclosure

cc: Jeanne Voveris, Esq., DTE Hearing Officer (w/enc.) (via first class mail)  
Colleen McConnell, Esq., Office of the Attorney General (w/enc.) (via first class mail)  
Robert Werlin, Esq., Keegin Werlin LLP (w/enc.) (via first class mail)  
Amy Rabinowitz, Esq., Massachusetts Electric (w/enc.) (via first class mail)  
Margaret T. Downey, Cape Light Compact (w/enc.) (via first class mail)

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**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department of Telecommunications  
and Energy on its own motion, pursuant to G.L. c. 159,  
§ 105 and G.L. c. 164, § 76, to increase the participation  
rate for discounted electric, gas and telephone service.

D.T.E. 01-106-B

Investigation by the Department of Telecommunications  
and Energy on its own motion as to the propriety of the  
rates and charges set forth in the following tariffs:  
(Residential Assistance Adjustment Clause) M.D.T.E. No.  
110 - Boston Edison Company; M.D.T.E. No. 210 -  
Cambridge Electric Light Company; M.D.T.E. No. 310 -  
Commonwealth Electric Company filed on August 16, 2005)  
to become effective September 1, 2005 by Boston Edison  
Company, Cambridge Electric Light Company and  
Commonwealth Electric Company d/b/a NSTAR Electric.

D.T.E. 05-55

**COMMENTS OF THE CAPE LIGHT COMPACT**

The towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark,  
Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans,  
Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and  
the counties of Barnstable and Dukes County, acting together as the Cape Light Compact  
(the "Compact"), hereby submit the following comments on the Investigation by the  
Department of Telecommunications and Energy (the "Department") on its own motion as  
to the propriety of the rates and charges set forth in the following tariffs: (Residential  
Assistance Adjustment Clause) M.D.T.E. No. 110 - Boston Edison Company; M.D.T.E.  
No. 210 - Cambridge Electric Light Company; M.D.T.E. No. 310 - Commonwealth  
Electric Company, filed on August 16, 2005, to become effective September 1, 2005, by

Boston Edison Company, Cambridge Electric Light Company and Commonwealth Electric Company ("Commonwealth"), d/b/a NSTAR Electric ("NSTAR").

### **THE CAPE LIGHT COMPACT**

The Compact is a municipal aggregator under G.L. c. 164, § 134 and consists of the twenty-one towns in Barnstable and Dukes Counties, as listed above, as well as the two counties themselves. It is organized through a formal Inter-Governmental Agreement signed by all of the towns, as well as Barnstable and Dukes counties, pursuant to G.L. c. 40, § 4A. The Compact's initial aggregation plan was approved by the Department in D.T.E. 00-47; its current aggregation plan was approved by the Department in D.T.E. 04-32. The Compact maintains a business office within the Barnstable County offices located at the Superior Courthouse at 3195 Main Street in Barnstable, MA 02630.

### **COMMENTS**

On August 8, 2003, the Department created a computer matching program to exchange information regarding customer eligibility for certain means tested public benefits for the sole purpose of increasing the participation of eligible low-income customers in discounted electric and gas service. *Low-Income Discount Participation Rate*, D.T.E. 01-106-A (2003). The Department then established a process to recover any revenue shortfall that electric and gas distribution companies might incur from increased participation in the low-income discounted rate program, because of the new computer matching program. *Low-Income Discount Participation Rate*, D.T.E. 01-106-B at 9 (2004).

On August 16, 2005, in D.T.E. 05-55, NSTAR filed with the Department its rates and charges set forth in the Residential Assistance Adjustment Clause ( M.D.T.E. No. 110 - Boston Edison Company; M.D.T.E. No. 210 - Cambridge Electric Light Company; M.D.T.E. No. 310 - Commonwealth). The Department has consolidated D.T.E. 05-55 into the D.T.E. 01-106-B proceeding.

The Compact has reviewed NSTAR's filing in D.T.E. 05-55, and has observed that in its calculation of the Residential Assistance Adjustment Factor Formula ("RAAF"), NSTAR rounded up its RAAF calculation after the fifth decimal place, as opposed to truncating its RAAF calculation at the fifth decimal place (which is the proper procedure for electric companies in calculating base rates in the Department's proceedings). For example, in the RAAF calculation NSTAR submitted for Commonwealth, NSTAR rounded up after the fifth decimal place, leading to a recovery amount estimated at about \$126, 924. If NSTAR had instead truncated its RAAF calculation for Commonwealth, the recovery amount would be estimated at about \$84,616. Therefore, the differential between truncating after the fifth decimal place and rounding up after the fifth decimal place results in NSTAR recovering about an additional \$42,308 for Commonwealth.

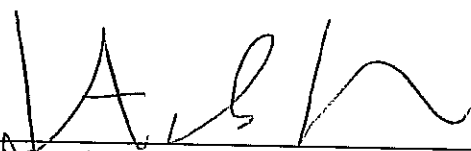
While the Compact is aware, through discussions with NSTAR representatives, that the calculations NSTAR submitted in D.T.E. 05-55 were illustrative and not definitive, and while the Compact is also aware that the recoveries at issue in this proceeding are to be reconciled after a twelve-month period (e.g. if the adjustment rates produce an over-recovery, the excess will be returned to ratepayers), the Compact

respectfully requests that the Department require NSTAR to use an RAAF calculation that will yield a recovery that is closest to the actual estimated amounts to be recovered.

Respectfully submitted,

THE CAPE LIGHT COMPACT

By its attorney,



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Dated: September 14, 2005

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